

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

Civil Action No. 12-cv-00487-MOC-DCK

DAVID HOLMES, individually and on)
Behalf of a Rule 23 putative class,)
)
Plaintiff,)
)
v.)
)
BANK OF AMERICA, N.A., in its own)
Capacity and as successor by merger to)
BAC Home Loans Servicing, L.P., and)
ILLINOIS UNION INSURANCE)
COMPANY,)
)
Defendants.)

**DEFENDANT ILLINOIS UNION INSURANCE COMPANY'S
MOTION TO DISMISS**

Defendant Illinois Union Insurance Company, by and through its undersigned attorneys and pursuant to Federal Rule of Civil Procedure 12(b)(6), moves to dismiss the Complaint filed against it by Plaintiff David Holmes ("Plaintiff") as Plaintiff fails to state a claim upon which relief can be granted. The grounds for this Motion are more fully set forth in the accompanying Memorandum of Law, which is incorporated herein by reference.

WHEREFORE, Defendant Illinois Union Insurance Company respectfully requests that the Court grant its motion and dismiss Plaintiff's Complaint with prejudice and grant such other and further relief as justice may require.

Respectfully submitted this the 4TH day of October, 2012.

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Of Counsel for Defendant Illinois Union Ins. Co.
(Motions for Admission Pro Hac Vice Forthcoming)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of this Court on October 4, 2012, using the CM/ECF system which will send notification of such filing to all counsel of record for all interested parties to this action.

This the 4TH day of October, 2012.

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